

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Geraghty nomination, which the clerk will report.

The bill clerk read the nomination of Sarah Elisabeth Geraghty, of Georgia, to be United States District Judge for the Northern District of Georgia.

VOTE ON GERAGHTY NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Geraghty nomination?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 124 Ex.]

YEAS—52

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NAYS—48

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Castner nomination, which the clerk will report.

The bill clerk read the nomination of Georgette Castner, of New Jersey, to be United States District Judge for the District of New Jersey.

VOTE ON CASTNER NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Castner nomination?

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—52

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NAYS—47

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Blunt	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young
Grassley	Portman	

NOT VOTING—1

Burr

The nomination was confirmed.

(Mr. KING assumed the Chair.)

The PRESIDING OFFICER (Mr. VAN HOLLEN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I have an update on today's floor schedule. At 1:45, the Senate was scheduled to hold a procedural vote related to a shell legislative vehicle we could use to pass COVID response funding. Our Republican colleagues have requested that we do not hold a cloture vote on the mo-

tion to proceed at the present as we are getting close to a final agreement that would garner bipartisan support.

We are working diligently to finalize language, scoring, and a final agreement on what should be funded in the final COVID package, both domestic and international. As a sign of good faith and to encourage us to come to a final agreement, I will reschedule today's procedural vote to a later time.

H.R. 4373

Mr. President, now, when it comes to replenishing COVID response funding, we simply cannot afford to kick the can down the road. We need more money right away so we have enough vaccines and testing and lifesaving therapeutics.

We want our communities to go back to normal and stay normal.

If a new virus comes—if a new variant comes, and we are not prepared, we could lose that ability to go back to normality, for our schools to stay open, for events to occur, for people to gather. We don't want to do that.

Well, the best way to avoid that from happening if, God forbid, a new variant comes—and it is likely that it will—is to have us prepared, and this COVID legislation has us prepared by having an adequate supply of these new, almost miraculous therapeutics that can greatly reduce the severity of any illness and that can be given right after testing.

We need tests, and we need to make sure that the vaccines we have are ready and updated. We can't wait. We can't wait until COVID is upon us to do this.

The prospect of not being prepared is scary, and Americans should all—Democrats, Republicans—be able to unite in making sure we are prepared. We need to get COVID funding done for the country before the end of the work period. It is very much needed, and so we are going to keep talking with the Republicans so we can hopefully agree to a robust package that keeps our country prepared.

UNANIMOUS CONSENT AGREEMENT—H.R. 4373

Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 310, H.R. 4373, ripen at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAVE THE LIBERTY THEATRE ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 309, H.R. 3197.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3197) to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3197) was ordered to a third reading, was read the third time, and passed.

CHIRICAHUA NATIONAL PARK ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 297, S. 1320.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1320) to establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chiricahua National Park Act”.

SEC. 2. DESIGNATION OF CHIRICAHUA NATIONAL PARK, ARIZONA.

(a) DESIGNATION.—

(1) IN GENERAL.—The Chiricahua National Monument in the State of Arizona established by Presidential Proclamation 1692 (54 U.S.C. 320301 note; 43 Stat. 1946) shall be known and designated as “Chiricahua National Park” (referred to in this Act as the “National Park”).

(2) BOUNDARIES.—The boundaries of the National Park shall be the boundaries of the Chiricahua National Monument as of the date of enactment of this Act, as generally depicted on the map entitled “Chiricahua National Park Proposed Boundary”, numbered 145/156,356, and dated March 2021.

(3) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the Chiricahua National Monument shall be considered to be a reference to the “Chiricahua National Park”.

(4) AVAILABILITY OF FUNDS.—Any funds available for the Chiricahua National Monument shall be available for the National Park.

(b) ADMINISTRATION.—The Secretary of the Interior shall administer the National Park in accordance with—

(1) Presidential Proclamation 1692 (54 U.S.C. 320301 note; 43 Stat. 1946);

(2) Presidential Proclamation 2288 (54 U.S.C. 320301 note; 52 Stat. 1551); and

(3) the laws generally applicable to units of the National Park System, including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the committee-reported amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 1320), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

OCEAN SHIPPING REFORM ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, S. 3580.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3580) to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Shipping Reform Act of 2022”.

SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;”;

(2) in paragraph (3), by inserting “and supporting commerce” after “needs”; and

(3) by striking paragraph (4) and inserting the following:

“(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.”.

SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rulemaking process.”.

SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“§ 40504. Shipping exchange registry

“(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

“(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and docu-

ments as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange’s registration.

“(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

“(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges, including the minimum requirements for service contracts established under section 40502 of this title.

“(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term ‘shipping exchange’ means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.”.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“40504. Shipping exchange registry.”.

SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

“(d) RETALIATION AND OTHER DISCRIMINATORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

“(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

“(2) resort to any other unfair or unjustly discriminatory action for—

“(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

“(i) patronized another carrier; or

“(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

“(B) any other reason.”.

SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

“(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

“(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

“(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.”.

SEC. 7. COMMON CARRIERS.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may not” and inserting “shall not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;”;